

# CILENTI & COOPER, PLLC

ATTORNEYS AT LAW  
708 Third Avenue - 6<sup>th</sup> Floor  
New York, New York 10017

Telephone (212) 209-3933  
Facsimile (212) 209-7102  
Email: [info@jcplaw.com](mailto:info@jcplaw.com)

July 25, 2014

By ECF

Hon. Thomas P. Griesa, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

***Re: Azogue v. 16 for 8 Hospitality LLC, et al.***  
**Case No. 13-CV-7899 (TPG) (MHD)**

Dear Judge Griesa,

We are counsel to named plaintiff Victor Azogue and five opt-in plaintiffs in the above-referenced case, and write together with C.K. Lee, Esq., counsel to plaintiff Marlon Cabrera, as well as with defendants' attorneys. Please accept this letter as the parties' joint request that a status conference be scheduled at the Court's earliest convenience.

On July 18, 2014, the Court consolidated plaintiff Cabrera's case with this matter. According to the Court's Order, the consolidated actions are to proceed under the above caption and docket number.

Prior to the consolidation, our firm and counsel for the defendants agreed to have this matter proceed as a conditional collective action pursuant to 29 U.S.C. § 216(b). The opt-in period for putative collective action members to join the case closed on June 27, 2014. The parties were also in discussions about having the case proceed as a class action pursuant to Fed. R. Civ. P. 23 for purposes of establishing a settlement class.

Since the consolidation of the two cases, however, various issues have arisen that the parties believe need to be addressed in order to effectively continue litigating this matter. First, respective plaintiffs' counsel each seek to be appointed as class counsel, and wish to establish a briefing schedule so that the Court can appoint the firm best suited to represent the class. Because multiple firms are competing for appointment, continued discovery and negotiations toward a settlement cannot begin until that issue is resolved. It is the parties' collective good faith belief that it is in the parties' best interests that class

counsel is appointed before discovery is conducted so as to avoid unnecessary or duplicative production or undue delays. Additionally, the parties would like the Court to establish a pretrial scheduling order so as to give some structure as to how the case should proceed going forward.

Accordingly, the parties' respectfully request that a status conference be scheduled to address these pending issues at the Court's convenience.

We thank the Court for considering this application.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "JC".

Justin Cilenti

JC/jp

cc: Andrew Singer, Esq. (by email)  
Jason Kimpl, Esq. (by email)  
C.K. Lee, Esq. (by email)